

1 **SEC. 3072. LOWER YELLOWSTONE PROJECT, MONTANA.**

2       *The Secretary may use funds appropriated to carry*  
3 *out the Missouri River recovery and mitigation program*  
4 *to assist the Bureau of Reclamation in the design and con-*  
5 *struction of the Lower Yellowstone project of the Bureau,*  
6 *Intake, Montana, for the purpose of ecosystem restoration.*

7 **SEC. 3073. YELLOWSTONE RIVER AND TRIBUTARIES, MON-**  
8 **TANA AND NORTH DAKOTA.**

9       (a) *DEFINITION OF RESTORATION PROJECT.*—*In this*  
10 *section, the term “restoration project” means a project that*  
11 *will produce, in accordance with other Federal programs,*  
12 *projects, and activities, substantial ecosystem restoration*  
13 *and related benefits, as determined by the Secretary.*

14       (b) *PROJECTS.*—*The Secretary shall carry out, in ac-*  
15 *cordance with other Federal programs, projects, and activi-*  
16 *ties, restoration projects in the watershed of the Yellowstone*  
17 *River and tributaries in Montana, and in North Dakota,*  
18 *to produce immediate and substantial ecosystem restoration*  
19 *and recreation benefits.*

20       (c) *LOCAL PARTICIPATION.*—*In carrying out sub-*  
21 *section (b), the Secretary shall—*

22               (1) *consult with, and consider the activities*  
23 *being carried out by—*

24                       (A) *other Federal agencies;*

25                       (B) *Indian tribes;*

26                       (C) *conservation districts; and*

1 *and Harbor Act of 1910*”), the Act of January 1, 1927 (44  
2 Stat. 1010, chapter 47) (commonly known as the “River  
3 *and Harbor Act of 1927*”), and the Act of July 3, 1930  
4 (46 Stat. 918), for the project referred to in subsection (a)  
5 shall apply to any activities carried out under this section.

6 **SEC. 3125. UPPER MISSISSIPPI RIVER SYSTEM ENVIRON-**  
7 **MENTAL MANAGEMENT PROGRAM.**

8 (a) *IN GENERAL.*—Notwithstanding section 221 of the  
9 Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any  
10 Upper Mississippi River fish and wildlife habitat rehabili-  
11 tation and enhancement project carried out under section  
12 1103(e) of the Water Resources Development Act of 1986  
13 (33 U.S.C. 652(e)), with the consent of the affected local  
14 government, a nongovernmental organization may be con-  
15 sidered to be a non-Federal interest.

16 (b) *CONFORMING AMENDMENT.*—Section  
17 1103(e)(1)(A)(ii) of the Water Resources Development Act  
18 of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by insert-  
19 ing before the period at the end the following: “, including  
20 research on water quality issues affecting the Mississippi  
21 River, including elevated nutrient levels, and the develop-  
22 ment of remediation strategies”.

23 **SEC. 3126. UPPER BASIN OF MISSOURI RIVER.**

24 (a) *USE OF FUNDS.*—Notwithstanding the Energy and  
25 Water Development Appropriations Act, 2006 (Public Law

1 109–103; 119 Stat. 2247), funds made available for recov-  
2 ery or mitigation activities in the lower basin of the Mis-  
3 souri River may be used for recovery or mitigation activi-  
4 ties in the upper basin of the Missouri River, including the  
5 States of Montana, Nebraska, North Dakota, and South Da-  
6 kota.

7 (b) CONFORMING AMENDMENT.—The matter under the  
8 heading “MISSOURI RIVER MITIGATION, MISSOURI, KANSAS,  
9 IOWA, AND NEBRASKA” of section 601(a) of the Water Re-  
10 sources Development Act of 1986 (100 Stat. 4143), as modi-  
11 fied by section 334 of the Water Resources Development Act  
12 of 1999 (113 Stat. 306), is amended by adding at the end  
13 the following: “The Secretary may carry out any recovery  
14 or mitigation activities in the upper basin of the Missouri  
15 River, including the States of Montana, Nebraska, North  
16 Dakota, and South Dakota, using funds made available  
17 under this heading in accordance with the Endangered Spe-  
18 cies Act of 1973 (16 U.S.C. 1531 et seq.) and consistent  
19 with the project purposes of the Missouri River Mainstem  
20 System as authorized by section 10 of the Act of December  
21 22, 1944 (commonly known as the ‘Flood Control Act of  
22 1944’) (58 Stat. 897).”.

1 *Federal and State laws, affecting water or water*  
2 *rights in the Rio Grande Basin.*

3 *(h) AUTHORIZATION OF APPROPRIATIONS.—There is*  
4 *authorized to be appropriated to the Secretary to carry out*  
5 *this section \$25,000,000 for fiscal year 2006 and each subse-*  
6 *quent fiscal year.*

7 **SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGA-**  
8 **TION, RECOVERY AND RESTORATION, IOWA,**  
9 **KANSAS, MISSOURI, MONTANA, NEBRASKA,**  
10 **NORTH DAKOTA, SOUTH DAKOTA, AND WYO-**  
11 **MING.**

12 *(a) STUDY.—The Secretary, in consultation with the*  
13 *Missouri River Recovery and Implementation Committee*  
14 *established by subsection (b)(1), shall conduct a study of*  
15 *the Missouri River and its tributaries to determine actions*  
16 *required—*

17 *(1) to mitigate losses of aquatic and terrestrial*  
18 *habitat;*

19 *(2) to recover federally listed species under the*  
20 *Endangered Species Act (16 U.S.C. 1531 et seq.); and*

21 *(3) to restore the ecosystem to prevent further de-*  
22 *clines among other native species.*

23 **(b) MISSOURI RIVER RECOVERY IMPLEMENTATION**  
24 **COMMITTEE.—**

1           (1) *ESTABLISHMENT.*—Not later than June 31,  
2           2006, the Secretary shall establish a committee to be  
3           known as the “Missouri River Recovery Implementa-  
4           tion Committee” (referred to in this section as the  
5           “Committee”).

6           (2) *MEMBERSHIP.*—The Committee shall include  
7           representatives from—

8                     (A) Federal agencies;

9                     (B) States located near the Missouri River  
10           Basin; and

11                    (C) other appropriate entities, as deter-  
12           mined by the Secretary, including—

13                       (i) water management and fish and  
14           wildlife agencies;

15                       (ii) Indian tribes located near the Mis-  
16           souri River Basin; and

17                       (iii) nongovernmental stakeholders.

18           (3) *DUTIES.*—The Commission shall—

19                     (A) with respect to the study under sub-  
20           section (a), provide guidance to the Secretary  
21           and any other affected Federal agency, State  
22           agency, or Indian tribe;

23                     (B) provide guidance to the Secretary with  
24           respect to the Missouri River recovery and miti-  
25           gation program in existence on the date of enact-

1           *ment of this Act, including recommendations re-*  
2           *lating to—*

3                     *(i) changes to the implementation*  
4                     *strategy from the use of adaptive manage-*  
5                     *ment; and*

6                     *(ii) the coordination of the development*  
7                     *of consistent policies, strategies, plans, pro-*  
8                     *grams, projects, activities, and priorities for*  
9                     *the program;*

10                    *(C) exchange information regarding pro-*  
11                    *grams, projects, and activities of the agencies*  
12                    *and entities represented on the Committee to*  
13                    *promote the goals of the Missouri River recovery*  
14                    *and mitigation program;*

15                    *(D) establish such working groups as the*  
16                    *Committee determines to be necessary to assist in*  
17                    *carrying out the duties of the Committee, includ-*  
18                    *ing duties relating to public policy and scientific*  
19                    *issues;*

20                    *(E) facilitate the resolution of interagency*  
21                    *and intergovernmental conflicts between entities*  
22                    *represented on the Committee associated with the*  
23                    *Missouri River recovery and mitigation pro-*  
24                    *gram;*

1           (F) coordinate scientific and other research  
2 associated with the Missouri River recovery and  
3 mitigation program; and

4           (G) annually prepare a work plan and as-  
5 sociated budget requests.

6           (4) COMPENSATION; TRAVEL EXPENSES.—

7           (A) COMPENSATION.—Members of the Com-  
8 mittee shall not receive compensation from the  
9 Secretary in carrying out the duties of the Com-  
10 mittee under this section.

11           (B) TRAVEL EXPENSES.—Travel expenses  
12 incurred by a member of the Committee in car-  
13 rying out the duties of the Committee under this  
14 section shall be paid by the agency, Indian tribe,  
15 or unit of government represented by the mem-  
16 ber.

17           (c) NONAPPLICABILITY OF FEDERAL ADVISORY COM-  
18 MITTEE ACT.—The Federal Advisory Committee Act (5  
19 U.S.C. App.) shall not apply to the Committee.

20 **SEC. 5009. LOWER PLATTE RIVER WATERSHED RESTORA-**  
21 **TION, NEBRASKA.**

22           (a) IN GENERAL.—The Secretary, acting through the  
23 Chief of Engineers, may cooperate with and provide assist-  
24 ance to the Lower Platte River natural resources districts